

REMARKS

It is respectfully submitted that there is no fair suggestion in the art of record of combining a double sided flexible adhesive frameless eye patch with an attention getting device to invite social interaction. The new and beneficial results of this combination include enhancing social interaction during vigorous activity such as swimming or dancing. In contrast with conventional eyeglasses, the patch will not be dislodged during such vigorous activities and is inexpensive to make due to its simplicity. Also, if an old outdated previously prescribed corrective lens is affixed to the outer adhesive layer in the preferred method, persons who would not otherwise wear their conventional eyeglasses during dancing or swimming would have enhanced eyesight. An additional new and beneficial use is thus made of an old corrective lens that would otherwise be discarded.

“It is error to reconstruct the claimed invention from the prior art by using the patentee’s claim as a blueprint. When prior art references require selective combination to render obvious a subsequent invention, there must be some reason for the combination other than hindsight obtained from the invention itself. It is critical to understand the particular results achieved by the new combination (emphasis supplied)”, Interconnect Planning Corporation v. Feil, 227 USPQ 543 (Federal Circuit 1985).” These particular results indicate the value of the inventor’s contribution to the art, that of course is the major goal of the patent system.

Also, it is respectfully submitted that the tiny logo on the Bleau eyeglasses is simply not an attention getting device that invites social interaction in accordance with applicant’s invention.

Should the examiner still deem the application not in condition for allowance, the examiner is respectfully requested to make any suggestions in a telephonic interview or otherwise that may further advance prosecution in accordance with the mandate of MPEP

707.07 (j); page 700-101 8th Ed. : “When an application discloses patentable subject matter and it is apparent from the claims and applicant’s arguments that the claims are intended to be directed to such patentable subject matter, ...the examiner should not stop with a bare objection or rejection of the claims. The examiner’s action should be constructive in nature and where possible, should offer a definite suggestion for correction.”

Respectfully submitted,



Robert L. Nathans

Registration # 19,558.

978-667-3060; robnathans@aol.com